

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

BRIAN WATKINS, )  
vs. Plaintiff, ) NO. CIV-15-0651-HE  
JASON BRYANT, et al., )  
Defendants. )

**ORDER**

Plaintiff Brian Watkins, a prisoner appearing *pro se* and *in forma pauperis*, filed this action under 42 U.S.C. § 1983 alleging violations of his constitutional rights. Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred to Magistrate Judge Bernard M. Jones for initial proceedings. Judge Jones has recommended that plaintiff's attempts to amend his complaint by piecemeal pleadings be denied for failure to comply with the court's orders, that plaintiff's complaint be dismissed for failure to state a claim, and that a "strike" be imposed as a result under 28 U.S.C. § 1915(g).

Plaintiff was advised that he must file an objection to the Report and Recommendation by August 29, 2016. No objection has been filed. Plaintiff has therefore waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059–60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #29], a copy of which is attached to this order. Plaintiff's motion to dismiss his conspiracy claim [Doc. #22] and motion to amend [Doc. #27] are

**DENIED** for failure to comply with the court's order. This case is **DISMISSED** without prejudice under 28 U.S.C. § 1915(e)(2)(B). In the event this order is appealed and affirmed by an appellate court, or if defendant does not pursue an appeal, this dismissal will count as a strike pursuant to 28 U.S.C. § 1915(g).

**IT IS SO ORDERED.**

Dated this 9<sup>th</sup> day of September, 2016.



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JOE HEATON  
CHIEF U.S. DISTRICT JUDGE